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A *Pop. Britife*
Brief JUSTIFICATION
OF THE
Prince of Orange's
Descent into ENGLAND,
And of the
KINGDOMS
Late Recourse to *ARMS.*

WITH
A Modest Disquisition of what
may Become the Wisdom and Justice
OF THE
Ensuing Convention
IN THEIR
Disposal of the **CROWN.**
Robert Ferguson

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A Brief Justification of the Prince of Oranges Descent into England, &c.

WHatsoever may occur in the ensuing sheets, disagreeable to the Politicks of some late Writers ; yet I have not only declined to name the Persons whose Principles I contradict , but have forborn mentioning any of those Execrable Doctrines, by which they have endeavoured to Betray us into Slavery, and have both rempreed Princes to an exercise of Tyranny, and done what they could to justifie them in it. 'Tis unsutable to my Temper, as I do reckon it mean in it self, to administer occasion, whereby the Reputation of any that can be supposed reclaimable , may become exposed , or their Persons rendred any ways abnoxious. For though it would be an abandoning our selves , and Posterity to worse miseries , than the Nation hath either felt, or with much difficulty escap'd , not to fasten in a Parliamentary way, a brand of indelible infamy upon their Illegal, Treacherous, and Enslaving Tenets; yet I hope, as well as desire, that the utmost degrees of Mercy , will be exercised towards the highest Prerogative Autho'r, which shall be found consistent , with the rendring our Constitution and Laws for the future safe and inviolable. And as I never hitherto acted upon other inducements , than those of serving the Glory of God, and of asserting the Rights, and promoting the Interest of my Country ; so the alone Motive , as well as Prospect, upon which I do now Write, is the vindicating of the Methods that have

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been applyed unto for our Relief and Redemption, and the offering such further Measures, as remain to be pursued, for the Establishing our Peace and Happiness, upon Foundations, that will both ensure and support them. Nor does he deserve a Name amongst, much less a share in the Priviledges peculiar unto Englishmen, who will not contribute whatsoever lieth within his Circle, both for hindring our relapsing either into Confusion, or into Thralldom, and for advancing the Tranquility, Welfare, and Prosperity of the Kingdom, not only to what they were in its most settled and fortunate state, but beyond the felicity we enjoy any former Presidents of. Especially seeing his Highness the Prince of *Orange*, with a Compassion, Generosity, and Zeal, not to be paralleled on the File of History, hath put it into our own power, to retrieve and Re-establish the Priviledges and Liberties which by Force and Fraud have been wrested from us, to prevent their being either Invaded or Subverted hereafter, and to make such Additional Provisions, as shall be reckoned necessary, as well for our own enjoyment of the Reformed Religion, without fear or danger, and for transmitting it safe and uncorrupted to our Posterity, as for rendering the Kingdom, by reason of Wealth, Security, and Renown, the envy of all Nations about us. And as the Condescension, Self-denial, and Moderation of the Prince of *Orange*, after so tempting as well as signal a Success, transcends all Examples conveyed unto us in the Records of Time; so we should not only be very ill men, should we depart from his Temperance of Mind, either in the things we have left us to be prosecuted, or in the manner of promoting them, but we should be that, and withal extremely unwise, if we be not awakened and provoked to mind and advance his Honour, Greatness, and Interest the more, by how much we find him through Modesty to neglect them.

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The Consideration of Government in general, is none of my Province at this time ; farther then to observe, that as it derives its Ordination and Institution from God, so it is circumscribed, and limited by Him, to be exercised according to the Laws of Nature, (and of plain Revelation where vouchsafed) in subserviency to the glory of the Creator, and the benefit of Mankind. All Rulers are thus far under Pact and Confinement, that they are obliged by the Almighty and Supream Sovereign, to exert their Governing Power, for the promoting his Service and Honour, and to exercise their Authority for the Safety, Welfare, and Prosperity of those over whom they are Established. There need no previous Compacts, and Agreements, between Princes and People as to these, forasmuch as they are settled and determined by the Law and appointment of the Divine Legislator, and of the Universal Sovereign. Whosoever refuseth to Govern in Subordination unto and for God, and in order to the protection and benefit of the Community, ceaseth to answer the Ends unto which Magistracy was Instituted, and for which Rectoral Authority is established over and among Men. Nor is it in the choice or power of any Society, at their erecting the Forms of Government, under which they are contented to live, and at their Nominating the Persons, to whom they commit the Right of Administring Justice towards and over themselves, and of withstanding and avenging injuries offered them by others, to enlarge and extend the power of those whom they constitute their Rulers, beyond the Limits and Boundaries, unto which God hath staked and confined Magistrates, in the Charters of Nature and Revelation. Tho' people may both then and afterwards abridge themselves, as they think meet, in things under their own disposal, and either narrow or enlarge the Rulers power, in reference

rence to what they have a Right to retain or depart from, for the real or imagined benefit of the Community; yet they can no ways interpose in the disposal of the Rights which belong unto God, and which he hath incommunicably reserved unto himself; nor can they confer those measures and degrees of Authority unto those whom they Elect and advance to Magistracy, which God hath antecedently precluded the one from bestowing, and the other from receiving. For example, no Body or Society of men, can transfer a power unto those whom they select and set apart from among themselves to be Rulers over the Community, in the virtue whereof, those vested with Magistratical Authority, can withdraw their Subjects from their Allegiance to God, act arbitrarily in prescribing and imposing what Religion they please, or destroy the meanest person, save upon a previous Crime, and a just Demerit.

Now God having in the Institution of Magistracy, confined such as shall be chosen Rulers, within no other limits in reference unto our civil concerns, save that they are to Govern for the good of those, over whom they come to be Established, it remains free and entire to the People at their first Erection of, and Submission to Government, to prescribe and define what shall be the measures and boundaries of the publick Good, and unto what Rules and Standard the Magistrate shall be restrained, in order to his defending, and promoting the benefit of the Society, of which he is created the Civil and Political Head. And every one being equally Master of his own Property and Liberty, antecedently to their Agreement with one another, and to the compact of the Universality, or at least of the Majority, with Him or Those whom they call to Rule over them; it evidently follows, that those who come to be clothed with Magistracy, can lay claim

claim to no more Authority over the Liberty, or pretend to no more Right in and over the Property of that Body Politick, than what the Community conferred upon them, and doth voluntarily divest themselves of, upon the prospect of the advantages arising unto them from their living in Societies, and under Magistrates. We must suppose all Mankind to have been infatuated, and to have become distracted, if they should have submitted themselves to the Jurisdiction of one who had no antecedent Right to command them, merely in order to their being in a worse Condition than they previously were. And therefore seeing the extent and latitude of the Magistrates Power, must owe its Original to some Grant of the people, it does from thence lye incumbent upon him, to prove and justify the several degrees and measures of Authority and Prerogative which he pretends to claim. And whatsoever he cannot derive from some Concession of the Society, must be acknowledged to remain still vested in the People, as their reserved Priviledge and Right. And whatsoever he pretends unto, which he cannot prove their surrendry of from themselves unto him, argues not only his departing from the Compact betwixt him and the Community, by vertue whereof he was ordained and created their Ruler, but it renders him guilty of an Invasion upon the Rights of the whole Society, and upon those of every individual Member of it. Force and Conquest give no just nor legal Title over a People by which the Conquerour becomes their Magistrate, until they by some consent either *tacit* or *explicit*, declare their submission unto and acquiescence in him, upon the best Terms which they can obtain, and that he is willing to grant. And as no Government is lawful, but what is founded upon Compact and agreement, between those chosen to govern, and them who condescend to be governed; so the

the Articles upon which they stipulate the one with the other, become the Fundamentals of the respective Constitutions of Nations, and together with superadded positive Laws, are both the limits of the Rulers Authority, and the Measures of the Subjects Obedience. To extend the Governour's Right to Command, and Subjects Duty to Obey, beyond the Laws of ones Country, is Treason against the Constitution, Treachery to the Society whereof we are Members, and through dissolving the Ties by which Princes stand confined, and overthrowing the Hedges by which the reserved Rights, Priviledges, and Properties of the Subjects are fenced about, every Prince is made a Tyrant, and all Subjects are rendered Slaves. Nor are all previous Agreements, Stipulations, and Laws, made insignificant and useless by such a pernicious and adulatory Doctrine as that of Non-resistance, when our Rights are Arbitrarily invaded, and the Constitution and Government avowedly subverted, but they are meer Tricks and Cheats for decoying those that were antecedently free, into a noose and state of Thralldom and Bondage, under the specious and guilded pretence of rendering their Liberty more secure, and their Condition more safe.

And as 'tis by vertue of Compacts, Stipulations, Compromises, and Agreements, that all legal Governments have their Original and Establishment, that various and distinct Forms obtain in different Countries, and that a Title and Right to Ruling Authority, and the method of arriving at it, is provided for and procured; so every Subjects Allegiance is first owing to the Constitution, and to the Ruler only in the Force and Vertue of what every Member of the Political Society is bound unto, by the Terms of the Original Pact and Settlement. Abstracting from the Constitution, and the Obligations which

which it lays us under, no man can challenge a Right of Commanding us, nor do we owe unto him any Duty of Subjection and Obedience. Whosoever he be that under a pretence of being constituted Sovereign, does invade and subvert the Fundamental Laws of the Society, he does thereby *ipso facto* annul all the Legal Right he had to Govern, and Absolves all who were before his Subjects, from the Legal Engagements they were under of yielding him Obedience. So that the immediate and natural Effect of a Prince's claiming what the Rules of the Constitution are so far from entitling him unto, that they preclude him from it, is the depriving himself of all Right to claim any thing; and a restoring of the People to their State and Condition of Primitive Freedom, of which as they only divested themselves by, and upon the Terms of the Constitution, so they neither departed from it any longer than that should be kept sacred and inviolable, nor any further than was covenanted and stipulated in and by the Terms and Agreements therein specified and contained. And seeing it proceeds from the Efficacy of the forementioned Contracts, that one Person becomes advanced from the common level to the Title and Authority of a Sovereign, and that all others are by their own consent reduced and brought down to the condition of Subjects, there doth arise from thence not only a mutual Relation betwixt him that Governs, and them that are Governed, but the first and highest Treason is that which is committed against the Constitution; and such and such Crimes against the Person and Dignity of the Supreme Magistrate, are only made and declared to be so, by reason of the capacity he is put into by the Constitution, of preserving and defending the Society, and because it is needful in order to the peace, welfare, and safety of the Community, that he should be covered

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from all Danger, and rendred Sacred in his Person, and inviolable in his Regal Honour, while he answereth the Trust, which the People upon their Assembling and Uniting into a Body Politick, committed unto him; and does neither depart from the Essential and Fundamental Terms of the Original Compact, nor from their necessary Provisions afterwards added, and enacted for preserving the Government in its primitive State and Frame. So that they neither are nor can be Traitors, who endeavour to preserve and maintain the Constitution; but they are the Traytors who design and pursue the Subversion of it. They are the Rebels that go about to overthrow the Government of their Country; whereas such who seek to Support and Defend it, are the truly Loyal Persons, and do act conformable to the Ties and Obligations of Fealty. Nor is it meerly the first and highest Treason in it self, that a Member of a Political Society is capable of committing, to go about to subvert the Constitution; but it is also the greatest Treason he can perpetrate against the Person, Crown and Dignity of the King; for such an Endeavour both annuls and vacates all his Title to Superiority over those, above whom he was exalted from the common level, by virtue of the Constitution, and deprives him of all rightful and legal Claim of Rectoral Authority over the Society, by destroying the alone Foundation upon which it was Erected, and by which he became vested with it. Through cancelling the Charter, from which he deriveth and holdeth his Governing Power, they not only make his Title to Sovereignty precarious, but they do render every Claim of that kind, and every Challenge of Governing the Community, to be an Invasion and an Usurpation. To all which, I will only further add under this Head, That as all Legal Government is founded upon a mutual Stipulation and Compact,

fact; so the first and most absolute Obligation arising from this Agreement, becomes incumbent and lyes upon the Prince towards the People; whereas the Fealty, and Duty which by the said Contract and Covenant they bind and engage themselves unto towards him, is in order but Secondary Conditional. Whensoever any Person is chosen from the rest of the Society, and raised to Kingship upon a foregoing and previous Contract with the Community, he becomes upon the very accepting of it, bound absolutely and without reserve to govern them according to the Terms and Measures, which they and he have agreed and stipulated, and to Rule them by the Tenor of the Laws, unto which they have circumscribed and confined him. Whereas all the Obedience and Fealty which they who by that Agreement have rendered themselves Subjects, owe unto their Ordained and Created Severaigh, do derive their Obligatory Force towards them, and become due unto him, upon his governing them according to the concerted and stipulated Conditions, and his preserving unto them their reserved Priviledges, Liberties, and Rights.

Now as *England* has been the most provident and careful of all Nations, in reserving unto its self, upon the first Institution of, and its submission unto Regal Government, all such Rights, Priviledges, and Liberties, as were necessary to render it either Renowned and Honorable abroad, or Safe, Happy, and Prosperous at home; so it hath with a Courage and Magnanimity peculiar unto it, maintained its Priviledges and Liberties through a large and numerous Series of Ages, and either reassured and secured them by new and superadded Laws, when there were endeavours to undermine and supplant them, or else hath vindicated them with a generous, manly, and Military Courage, even to the Deposition and Ab-

dication of Treacherous Usurping, and Tyrannous Princes, when more gentle, mild, and Senatorian Methods were found weak and ineffectual to cover and protect them to themselves, and to convey and transmit them to such as were to come after. The people of *England* hath the same Title unto, and security for the enjoyment of their Liberties and Properties, that our Kings have unto their Crowns, or for defence of the Regal Dignity. For as they can plead nothing for what they enjoy, or claim, but fundamental and positive Laws; so the Subjects Interest in his Liberty and Property are conveyed unto him by the same Terms and Channels, and Fenced about with the same Hedges and Pales. *Horn* tells us in his *Mirroure*, Chap. 1. That the *Saxons* having put an end to the *Heptarchy*, by reason of the continual Wars that attended the Reigning of so many Kings in so narrow a compass of Land, *How they chose themselves one King, to maintain and defend their Persons and Goods in Peace by Rules of Law, and made him Swear, that he should be Obedient to suffer Right as well as his People should be.* For according to *Bracton*, lib. 3. c. 9. *The whole Power of the King of England, is to do good, and not to do hurt, nor can he do any thing as a King, but what he can legally do.* And as we know no King, but a King by Law; so we are assured by *Fortescue*, lib. 1. c. 8. and lib. 3. c. 9. *that he Governs not his People by a Regal Power, but by a Politick.* From thence our Princes were anciently bound to Swear at their Coronation, *That they would Govern according to Law, and preserve unto them all their Customs and Franchises: (Stat. of Provis. 25. Ecl. 3.)* Nor can we have a clearer evidence of the Legal extent of the King's Authority, and of the dimension of the Obedience which the Subject is bound unto, than that which we have in the Oath of Fealty, which formerly used to be exacted of the Subject: Namely, *That he should be*
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obedient to all the King's Laws, and to every Precept and Process proceeding from the same. (*Wilkins Treat. Coron. &c. Court Leet, &c. p. 140.*) Nor is that unworthy our observation, which *Hen. 1.* writ to the Pope, when attack'd by him about the matter of *Investitures*; viz. That he could not diminish the Rights either of the Crown or of the Kingdom; and that if he should be so abject and mean as to attempt it, the Barons and people of England represented in Parliament, would not allow or permit it: *Optimates mei, & totius Angliæ populus, id nullo modo paterentur.* 'Tis upon this account affirmed of an English King, That he can do no wrong, because he can do nothing but what the Law impowers him. For though he hath all things Subjected to his Authority, while he acts according to Law, yet there is nothing left to his Arbitrary Will. The several Charters, especially that stiled the *Great Charter*, in and by which our Rights stand secured, Sworn, and Entailed unto us and to our Posterity, were not the Grants and Concessions of our Princes, but Recognitions of what we had reserved unto our selves in the Original Institution of our Government, and of what had always appertained unto us by Common Law, and Immemorial Customs. And though these Priviledges and Liberties came to be more distinctly expressed and signally ratified in the *Great Charter*, than they had been before; yet they had not only been acknowledged and transmitted down in the Laws of *Edward the Confessor*, as the Birth-right of every English-man, which also *William the first Norman King* ratified as such, but they had long before been collected into a Body by King *Edgar the Saxon*, and were only revized, repeated, and confirmed by the *Confessor*. But among all the Rights and Priviledges appertaining unto us, that of having a share in the Legislation, and of being to be Governed by such Laws, as we our selves shall chuse, is the most Fundamental and essential, as well as the

the most advantageous and beneficial. For thereby we are enabled to make such successive and continual provisions, as the preservation of the Society, and the promoting either of the Temporal or Eternal Welfare of the Subject, shall be found to render needful or expedient. And as through being possessed of so great a portion of the Legislative Power, and through having a Right by several positive Laws to Annual Parliaments, we can both relieve our selves from and against every thing that either threatneth, endangereth, or oppresseth us, and furnish and accommodate the whole Community, with all legal Succours, and means that are necessary for Peace, Preservation, and Prosperity; so herein lies our signal advantage and felicity, that what we become interested in, by a positive and Statute Law, it doth thereby and from thence become a part of our Right and Property, and not to be wrested again from us but by our own consent. For as *Bracton* saith, *lib. 1. c. 2.* (though it be also one of the first dictates of Reason and common Sense) *Leges non possunt mutari nec destrui, sine communi consensu & consilio eorum omnium, quorum consilio & consensu fuerunt promulgatae;* Laws can neither be altered nor vacated, save by the consent and concurrence of the same Authority, by which they were made and Enacted. 'Tis true, that the Executive part of the Government, is both by our Common and Statute Laws, conveyed unto and vested in the King, but at the same time there is sufficient provision made both in the Terms of our Constitution, and in our Parliamentary Acts, to prevent this from being hurtful unto us, unless our Sovereigns become guilty both of the highest Treachery, and withal make an invasion upon, and endeavour the Subversion of the whole Government. A Right of overseeing the Execution of the Laws, being a Prerogative inseparable from the Office of the Supream Magi-

Magistrate, because the very Ends unto which he is clothed with Rectoral Authority, and for which he is designed and established, are the conservation of the publick peace, and the administration of Justice towards and among the Members of the Body Politick: all to be expected from the wisdom of the Society, or practicable by them, either upon the first erection of, and submission to Civil Government, or upon their future improvements and farther regulations of it, was to direct, limit, and restrain this Executive power committed unto the Sovereign, and to make him and his Subordinate Ministers accountable, in case they should deny, delay, or pervert Justice, or be found chargeable with Mal-administration of the Laws. Nor was ever a people more provident as to all these, than our Predecessors and Ancestors have been. For as they have left nothing to the Kings private discretion, much less to his Arbitrary Will, but have assigned him the Laws as the Rules and Measures he is to Govern by; so they not only delegated it unto him as a Trust, which he is to Swear faithfully to perform, but they always reserved a liberty, right, and power unto themselves, of inspecting his Administration, making him responsible for it, and of abdicating him from the Sovereignty, upon universal and egregious faileurs in the Trust that had been credited and consigned unto him. Of this we have indisputable Evidence, in the Articles advanced in Parliament against *Richard the Second*, when he was Deposed from the Throne, and had the Scepter taken out of his hand. Yea to prevent all dangers which might befall the Subject, through the Kings being trusted with the Executive power of the Government, he is not by our Constitution and Laws allowed to do any thing in his own Person, nay not so much as to draw and seal the Commission of those that are to act in his name and under him. And as
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nothing is accounted in our Government a Commission, but what the Law Authoriseth and warrants; so he is liable to be proceeded against as the highest Criminal, that presumeth to Act in the virtue of any other. An illegal Commission, is so far from conveying a power unto any man to Act, that it is a greater Crime to do any thing upon the Authority of it, than it would be to commit the same fact, without all colour and pretence of power and warrant. Seeing the injury in the one case, doth only affect and terminate in him that receives it; whereas in the other it affects both the King, the Government, and the whole Body of the People. And as if it were not enough to preserve us harmless from the Executive power lodged in the King, that all the Commissions issuable from him are to be Legal, or otherwise to be accounted null; even they who stand warranted and empowered to Act by Legal Commissions, are not only to be Sworn to execute them Legally, but are obnoxious to be punished for every thing they do upon them that deviates from the Measures of the Law. And as 'tis the Duty and hath been the Practice of those who have been faithful to the Trust reposed in them, regardful of their own Honor and Just to the Kingdom, to punish their Officers and Ministers for Malversation, and for departing in their Administration from the Rules of our Common and Statute Laws, Witness King *Alfred* who caused forty four *Justices* to be hanged in one year for illegal, false, and corrupt Judgments; so it belongeth unto our Parliaments, as being one of the great Ends as well as Reasons, for which they ought to be frequently called and Assembled, to inquire into, and to punish the Crimes of Judges, and of all others, employed by, and under the King in the Executive part of the Government. From hence it is, that
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as the House of Commons among other capacities in which they sit and Act, are by the *Constitution* to be the great *Inquest* of the Kingdom, to search into all the Oppressions and Injustices of the King's Ministers; so the House of Lords, among their several other Rights and Priviledges stand cloathed with the Power and Authority of the High Court of Judicature of the Nation, who are to punish those who have misbehaved themselves in all other Courts, as well as those whom Inferiour Courts have either connived at, or have been so wicked as unrighteously to justify. Of this all Ages afford us Presidents, and nothing but the supineness of this, in not making so frequent and signal Examples of Parliamentary Justice among the Ministerial Dispensers of our Laws, and among the Officers of our late Kings, as our Ancestors used to do, hath rendered our withdrawn Prince's being trusted with the Executive part of the Government, so mischievous unto the Kingdom, and the Abuse of it so Fatal at last unto himself.

Having with all imaginable brevity declared the Nature, and stated the Boundaries of our Government, both in what is entrusted with the King, as well as in what is reserved unto the People, that which in the next place I am to Address my self unto, is to inquire whether a King of *England* can so misbehave himself in his Office, as that according to the Rules of our Constitution, and the Measures of Justice, he may be either Resisted in his Arbitrary and Illegal Exercise of it, or Degraded and Deposed from his Regal Dignity. And it ought to have no small Influence upon our Understandings, towards our assenting unto, and embracing the *Affirmative*, that our Predecessors not only managed open War with a *Nolimus Leges Angliæ mutari* upon their Banners, against King *John* and *Henry* the Third, for Usurpation upon their

Laws and Liberties, but that within the same compass of the *Norman* Race, they dethroned and abdicated *Edward* the Second, and *Richard* the Second, for their Tyranny and Male-administration. Nor are there any Authors meriting the least regard among the highest Assertors of Monarchy and Regal Prerogative, who do not allow various Cases in which Kings may both abdicate themselves from their Power and Authority, and be renounced and degraded by others. If the becoming *Lunatick* and of *Unsound* Memory, which are natural Infirmities, be sufficient Reasons in the Judgments of all Men, for precluding Princes from their Office, as well as from the Exercise of Kingly Power? There are certainly *Moral* Distempers which do render them more incapable of Regal Trust, and less qualified for the Exercise of Rectoral Authority, such as an implacable Malice to the welfare of the whole Community, or an Attachment to one party to the Extirpation of all others. 'Tis generally granted, that the entering in Religion, which the Law accounts a civil Death, doth disable a person both from the Claim and Exercise of Magistracy; and therefore I know no reason why one should not be esteemed equally unqualified for Sovereignty, by having Enrolled himself into the most sanguinary Order of the Papal Church, and having subjected himself intirely to their Conduct, tho' in order to the remaining the more able to Execute their Malice, and to compass their Brutal Ends, he hath declined to assume and take on the Habit. But I shall supersede whatsoever may be Muster'd from these Topicks, for the Resisting and Abdicating of his late Majesty; and shall justify our doing so from Principles which our Constitution and Laws do Administer, and which no man can contradict without belying their Sight and Feeling, as well as the being Treacherous to the Dictates of their Judge.

Judgments and Understandings, For admitting us to be, as we really are, a Free and a Protestant Kingdom, who have not only many Priviledges and Rights reserved and secured unto us, and the Reformed Religion made a part of our Property, but who stand vested with a large share in the Legislation, through the Power that our Representatives, whom we ought and have a Title freely to chuse, have in the Enacting and Repealing of all Laws; there are three things whereby our lately departed King hath unqualified himself, both for the Claim and Exercise of the Regal Power, and which made it lawful and necessary at first to Resist, and doth render it now Just and Expedient to Abdicate him. The first is, That through having dispensed with the Oath of Supremacy, which precluded all Forraign Jurisdiction, and through having received the Pope's Nuncio, and Provincial Romish Bishops; he hath thereby rob'd the Crown of its brightest Jewel, namely of the having and exercising Authority and Jurisdiction over all Persons in this Dominion, and hath transferred and aliened the Regal Power of this Kingdom to a Forraigner. The second is, That being trusted with the Regal Power, and vested with the Executive part of the Government, for the preservation of the Rights and Liberties of the People, he hath in innumerable ways, methods, and instances, applied and exerted it to their Ruine and Destruction. The third is, That by reason of his dispensing with Laws, seizing of Charters, and practicing upon the Freedom of those who have right of Electing Members to Parliament, he hath overthrown the whole Legislative part of the Government, and subverted the very Fundamental Constitutions of the Realm. His whole Reign hath been a continued Invasion upon our Laws, Liberties, and Properties. He endeavoured to render Parliaments, and

had actually made Courts of Judicature, Ministers of his Will, Pleasure, and unruly Lusts, instead of their being Assertors and Vindicators of our National Rights, and Dispensers of Law, Justice, and Equity. There is nothing Essential, Sacred, or Inviolable in our Constitution, which he hath not subverted as well as shaken. Our Lives, Liberties, and Fortunes have been subjected to the Will, Power, and Authority of those whom the Laws of the Land not only make incapable, but declare to be Traytors. We have not only been without Parliaments beyond the time appointed by the Law, but there have been means used to prevent our ever-having one that deserved to be held and esteemed Lawful and Free. The Civil as well as Military Power, which ought to be in no hands, save in theirs who will maintain our Liberties, and defend our Persons, have been committed and entrusted to such, who judge it to be both their Duty and Meritorious to Rob, Destroy and Extirpate us. The Ecclesiastical Commissioners were not only a Body of Men erected in Opposition unto, and in Defiance of our Laws; but had both the whole Clergy of *England*, and our Religion, prostituted to their Arbitrary Will. No man in *England* was secure of his *Freehold*, after what *Wright*, *Jener*, and the Bishop of *Chester* had done against the *President* and *Fellows* of *Mag. Colledge*. We could no longer be said to have Properties or Inheritances, but what we possessed was precarious, and held by no other Tenure but that of Court pleasure and connivance. The Kings claiming a Right to dispense with so many Laws, Enacted for our Defence and Safety; gave him a Title to Dispense with all our Laws, whensoever he should find it seasonable and convenient. So that upon the whole, it was become both Lawful and Necessary, to recover that by Force, which had been wrested from

us by Usurpation. Nor had we been worthy of the Name of English men, but had shewn ourselves a degenerate Off-spring, and proved Traitors to God, our Countrey, and our Posterity, had we not been ready to retrieve and vindicate our Rights upon the first opportunity that should be offered unto us. Our having reserved Rights and Priviledges unto our selves, gave us a Right to defend them in case they came to be Invaded. And though there were not wanting ignorant and mercenary men, who would have rivetted the King in his Tyranny, and fettered the Subject in Slavery, by their Treasonable Doctrines of *Passive Obedience*, and *Non-Resistance*, yet the Rational and ingenious part of Mankind, remained so far preserved from the infection of those slavish Notions, as to know themselves to be no farther bound to suffer, than the Law had obliged them, nor tied up to to any other measures and degrees of Obedience, than what they were confined unto, by the Rules of the Constitution, and by the Statutes of the Realm. Yea to the reproach of too many of the *Crape*, the very Gentlemen of the Sword, who stood muster'd under the Kings Banners, and by whom he expected to have been supported in his Invasions upon Law and Religion, were not only so far sensible of his unjust usurpations upon the Rights and Priviledges of the Nation, and of his designing the extirpation of Protestancy and Liberty, but were also so far convinced of its being the duty of every Protestant and English-man, to resist and not to abet him, that upon this inducement, and upon no other, they turn'd their Arms against, as well as abandoned him. Nor was there any thing, whereby the King can be supposed to have been prevailed upon, to forsake both the Government and the Kingdom, but a sense of his own Guilt, and an apprehension of his demerit. There was neither

Force

Force, nor Menace, used to drive him from the one or the other ; only the Thoughts of a Free Parliament, and of what he might be found obnoxious unto , by the Fundamental Rules of the Government , chased him from the Throne and out of the Nation. And as we have various Presidents in all Free Nations , giving countenance to what we have been doing ; so no Kingdoms afford more examples in Justification of it, than our own.

However , after all the Evils which this late King had done us, we are willing to acknowledge the kindness we have received from him at last , in his leaving the Nation and retiring beyond Sea. And that which is now incumbent upon us , as we would be just both to him and our selves , is to bolt the Door after him, and so fore-close his Return. Though we were once so foolish as to trust him , notwithstanding his Religion , as hoping the King would have been too strong for the Papist ; yet it were madness to do it a second time , especially after we have seen the Monarch all along too weak for the Papal Bigot. The fault is his , in the deceiving us once ; but it would be ours, should we give him an advantage of deceiving us again. We have provoked him too far , to think of laying our selves any more at his mercy. Nor is it possible to receive any Security from him, but what he hath already falsified. The whole Kingdom is embarked too far , to think ever of Retreating ; and his Misgovernment during the whole time he was permitted to Reign, disableth him from being trusted with Authority any more. A few little and desperate people, may (if they think fit) talk their Necks into a Noose ; but they will soon find, that the Nation is not to be twatled again into Slavery. His very Retreating into *France*, is a just bar against the admitting his return ; seeing it is morally impossible he should come back from thence, but under

under Confederacies with that Monarch, for the Extirpating the Reformed Religion every where, and for the Ruining of these Nations, and of all *Europe*. Nor will those *Provinces* and *States* that lent their Forces to inable us to vindicate and assert our Rights, ever suffer the King to get into a condition, of wrecking his malice upon them for their kindness to us. And should we be so far infatuated, as to reinthral our selves; it will be our fate to be neither pittied in our miseries, nor relieved from them. Yea God himself will laugh at our Calamities, when they come to overtake us, through our own wilfulness and choice.

But though *James* the Second stand unqualified, and morally disabled from being any more King, yet it is indispensably necessary we should have One, a King being no less essential in the Body Politick of *England*, than the Head is in the Body Natural. To dream of reducing *England* to a Democratical Republick, is incident only to persons of shallow Capacities, and such as are unacquainted with the Nature of Governments, and the Genius of Nations. For as the Mercurial and Masculine Temper of the English people, is not to be moulded and accommodated to a Democracy; so it is impracticable to establish such a Common-wealth, where there is a numerous Nobility and Gentry, unless we should first destroy and extirpate them. This is demonstrable from all Histories extant, whether they be Modern or Ancient. And either to hope for, or to endeavour to do this in *England*, were the highest folly, as well as the most prodigious wickedness imaginable. To think of precluding Kingship out of the Constitution of the English Government, would lay us under a necessity of Excluding also a House of Peers, which for any one to attempt, would be equally as imprudent as it would be unjust. Nor is the
natu-

naturalness of this inference meerly supported by the practice of the late times ; but it deriveth its light and evidence from the nature of the thing itself. For as the very end of a House of Peers, is to be a skreen between the Monarch and the Commons, to prevent his Invading the Priviledges of the People, and their usurping upon the Prerogatives of the Crown ; so without our having a King, they would become not only useles but burthen-some. Yea, to shut Kingship out of the Constitution; would draw after it the alteration of the whole Body of our Laws, which would be of ill consequence to the whole State, as well as to particular Men. There is nothing more obvious, than that the Stile and Authority of King, is so Incorporated with, and woven into our Laws, that without it, they are neither intelligible, nor can they be applied to the Uses and Ends for which they were Enacted and made. This one of *Oliver Cromwells* Parliaments was sensible of, and therefore advised him to exchange the Name of Protector, for that of King. Which he either out of a Capricio of his own, or for fear of disgusting his Army refusing to comply with, gave first an opportunity and advantage to his own Creatures for the Deposing his Son; and secondly paved the way and laid it open for the Restoration of the Royal Family. And as the Government of *England* is imperfect without a King; so it is not only needful that we should cure this defect in the Body Politick, but that it should be done with all the Expedition that is possible. For until then, the Government can exert it self but in few of its proper operations ; nor can it either Repeal ill Laws, nor Enact such good ones as we want and need. Besides, this is the first means of rendring us safe at home, and formidable abroad. Were this once accomplished, Forreign Enemies would dread us, and Intestine Foes shrink in their Heads. Nor
can

can any thing less, check the intemperate and seditious Language of some, and discourage the audacious Caballings and dangerous Machinations of others.

Now the Case that we are to Discourse, falls not within the compass, nor under the Regulation, of what a King and the Two Houses of Parliament may do in the disposal of the Crown. The many Statutes by which it hath been Entailed, do plainly shew that they have a Right to Settle it. And though they may be confined from going out of the Royal Line, yet it is evident from those upon whom it hath been conferred, that they are not always obliged to bestow it in the order and way that common Inheritances descend. For whereas both *Queen Mary*, and *Queen Elizabeth* succeeded to the Crown, yet it could be in the vertue of nothing but the Act of Settlement, of the 35 *Hen. 8.* seeing if the one of them was Legitimate, the other could not, nor as such pretend to any Title or Claim. Yea our Law does expressly declare, that the Prince Regnant whosoever he be, may and can with the concurrence of the Two Houses of Parliament, Dispose, Settle, and Entail the Crown, as shall be thought most needful and convenient. For this see *Rastal's* second Vol. 13. *Eliz. cap. 1.* where the words of the Statute are as follows. *Be it Enacted, that if any person shall in any wise, hold and affirm, or maintain, that our Sovereign Lady Elizabeth, the Queens Majesty that now is, with and by the Authority of the Parliament of England, is not able to make Laws and Statutes of sufficient Force and Validity, to Limit and Bind the Crown of this Realm, and the Descent, Limitation, Inheritance and Government thereof; or that this present Statute, or any other Statute to be made by the Authority of the Parliament of England, with the Royal Assent, doth not, or shall not, or ought not to be for ever, of good and sufficient force and Validity to Bind, Limit, Restrain, and Govern*

Govern all persons, their Rights and Titles, that in any wise may or might claim any interest or possibility, in or to the Crown of England, in Possession, Remainder, Inheritance, Succession, or otherwise howsoever; that every such person, so Holding, Affirming, or Maintaining, during the Life of the Queens Majesty, shall be judged a high Traytor, and suffer and forfeit as in cases of High-Treason is accustomed. And that every person so holding, affirming, or maintaining after the decease of our said Sovereign Lady, shall forfeit all his Goods and Chattels. Nor was the Power and Authority of Parliament, for conveying and disposing of the Crown, ever questioned or gaind, till a few Mercenary People about ten years ago, endeavoured to obtrude upon us a pretended Divine, and unalterable Right to the Succession, which was the more irrational, strange, and to be wondered at, seeing all the Race of the *Stewarts* after *Robert* the first had no other Title to the Crown of *Scotland*, but what they derived from an Act of Parliament, in prejudice and preclusion of these of the Legitimate and right Line. For the said *Robert* having had three Sons and one Daughter by a Concubine named *Elizabeth More*, whom he afterwards married to one *Gifford*, himself at the same time taking into Marriage *Eufemia* the Daughter of the Earl of *Ross*, by whom he had Issue *Walter* and *David*, Earls of *Athol* and *Strathern*, and *Eufemia* that was afterwards married to *James Douglass* Son to the Earl of *Douglass*; The forementioned *Robert* did not only upon the Death of his Wife *Eufemia*, and of *Gifford* the Husband of *Elizabeth More*, take into Wedlock his former Concubine *Elizabeth More*, but obtained by an Act of Parliament, that the Children whom he had begotten upon her in Concubinate should be Entitled unto the Crown, and that his Lawful and Legitimate Children by his Wife *Eufemia* should be precluded and debarred. And it was heretofore the more surprising unto me, to find the Pensionaries

ries and Advocates of the late Duke of *York*, plead for a Divine and unchangeable Right of Succession, seeing all the claim that the *Scots* Race had to the Throne of *England*, through their being descended from the eldest Daughter of *Henry* the Seventh, was from and by an Act of Parliament which vested the said *Henry* in the Crown of this Realm. For tho' the fore-mentioned *Henry*, by reason of his Marriage to *Elizabeth*, Daughter to *Edward* the Fourth of the House of *York*, had a Legal Title to the Crown of *England* by the Common Law, yet he was so far from insisting upon and allowing it, that he chose to hold and possess the Crown in the force and vertue of an Act of Parliament. For as his Title by the House of *Lancaster*, was both originally unlawful, and had particular flaws and defects in it, so all the claim he could pretend unto that way, was in the Right of his Mother, who as she outlived his advancement to the Throne several years, and so she was never admitted to the Royal Authority, nor suffered to sway the Scepter.

But that which is more peculiarly my Province at present, is to enquire what Power and Right the Peers and Commons of *England*, have in and over the Crown, for the Conveying, Disposing, and setting of it, in case of a Devolution, through the Thrones becoming, by one means or another, empty and vacant. And as to this, we stand provided with many and signal Presidents, of the Crowns having been Conferred and Bestowed, as the General Councils and Parliaments of the Kingdom judged most conduceable to the publick Safety and Benefit, but still keeping within the Sphear and Circle of the Royal Family and Line. The *Saxon* times afford several Instances and Examples, in proof and confirmation hereof, if it were either needful to recount them, or if the brevity to which I am bound up and obliged, would allow me to represent

represent them in their full and due light, and to adorn them with the circumstances, that do belong unto and enforce them. But all the Presidents I shall produce from thence, shall be those of *Alfred* and *Edward* the Confessor, of which the *latter was last*, and the other the *first* Universal Saxon Monarch. *Horn* assureth us in his *Mirror*, that the People of *England* after great Wars, Tribulations, and Troubles, suffered for a long time, by reason of their multiplicity of Kings, did at last *Elect and Choose one King to Reign over them*, whom they made to Swear that he should not only Govern them by Law, but that he should be obedient to suffer Right, as well as others of his people should be. Accordingly *Alfred* acknowledgeth in his *Will*, subjoyned unto his Life by *Menevensis*, that he owed his Crown to the Bounty of his Princes, and of the Elders of his People: *Principes cum Senioribus populi, misericorditer ac benigne dederunt*. And for *Edward* the Confessor, he could have no Right to the Crown, save by the Grant and Gift of the People; seeing the Claim by Descent and Common Law, was in his Nephew *Edward* the Son of *Edmond Ironside*. Accordingly all our Historians, lodge the Confessors whole Title to the Sovereignty, in his being *Electus in Regem ab omni populo*. The power which the people of *England* had in the Disposal of the Crown during the time of Saxons, is confirmed unto us by that Noble Record, which Sir *Henry Spelman* hath cited, *Concil. Vol. 1. pag. 291*. For we do there find, how that in a Parliament held at *Canth, An. 787*, it was Ordained and Enacted, *in illo conventu panangelico, ad quem convenerunt omnes Principes tam Ecclesiastici quam seculares, una cum populo totius, That Kings should be Elected by the Parliament, ut Eligantur a Sacerdotibus, & Senioribus populi*; and that being chosen, they should have *Prudent Counsellors*, *Fearing God, Consiliarios prudentes, Deum timentes*.

And

And this Right over the Crown , and about the disposal of it, which our Ancestors challenged and exercised all the time of the Saxons , they have maintained and exerted with no less courage and vigour in every Age since the coming in of the Norman Race. *William the First* (who is unjustly stiled the Conqueror , as having subdued none but *Harold* and those that abetted him) did no otherwise obtain the Crown , nor ascend the English Throne, save in the vertue of an unanimous and free Choice and Submission of the Peers and Body of the People. *Convenientibus Francis & Anglis, illisque omnibus concedentibus, Coronam Angliæ & Dominationem suscepit*, saith the Anonymous Author subjoyned to *Sylas Tailor's* History of *Gavelkind*. *A Clero & populo susceptus, & ab omnibus Rex acclamatus*, say *Matth. Paris* and *Florilegus*. *Ab omnibus proceribus Rex est Electus*; says *Walsingham*. *Universi, Hilariter consensa, eam sibi in Regem & Dominum coronari consonuerunt*, (saith *Will. Pictav.*) when it had been proposed unto them, whether they would receive and admit him or not. Nor did the said *William* only obtain the Crown by the Peoples Choice , but he was made to Swear before his Coronation, that he should Govern the People justly, keep and observe unto them all their old Laws, and consent unto the having such farther Laws Enacted, as should be found needful for the Preservation and Prosperity of the Realm. *Se velle cunctum populum juste Regere rectam legem statuere & tenere*, says one, *antiquas bonas leges inviolabiliter observare*, says another. As for *William the Third*, and *Henry the First* , who are the two next in the Roll and List of our Kings ; it is undeniable , that they became possessed of the Crown by the meer Gift and Choice of the People. For being advanced to the Throne in prejudice of, and to the preclusion of *Robert* their Elder Brother, they could have no other pretence, clam, or right

right unto it, but what they derived from the People, and were indebted for unto Parliamentary Power and Authority. Our Writers do not only give us an account of their several Elections, and of the Oaths by which they became bound unto the Kingdom, but of the previous Conditions, Promises, and Terms, by which the people were influenced and prevailed upon, to raise them unto, and honour them with the Regal Dignity. For *William Rufus* having promised, *Si Rex foret* (say *Eadmer* and *Brompton*) *se justitiam, aequitatem, & misericordiam per totum Regnum, in omni negatio servaturum*; That if he could be chosen and admitted King by the English, he would in all things keep and observe Justice, Equity and Mercy, throughout the whole Kingdom; he was thereupon in *Regem Electus & Consecratus*, first Elected and then Consecrated King. And as *Matth. Paris* tells us, He was in a great Council or Assembly of the Nobility and Wise Men of the Kingdom, *Volentibus omnium animis*, with the cheerful consent of them all, in *Regem acceptus*, accepted for and admitted to be King. And for *Henry the First*, the same Author informs us, how that having called a general Council of the Nobles and People to meet at *London*, he promised unto them, provided he might be chosen King, *Emendationem Legum, &c.* A reformation of those rigorous Laws which his Father and Brother had obtruded on the Kingdom, and that he would frame just Laws, grounded on those of *Edward the Confessor*, and that he would likewise not only remit the Taxes, which had been unduely exalted of the Subject, but punish such persons as had been the Authors of them: and that thereupon the whole Assembly unanimously chose him, and appointed him to be Consecrated King. And as he intirely owed his Crown, to the Election and Grant of the People, so he as freely acknowledged it in his Charter (see *Hagulf*) where he says, *Sciatis me consilio Baronum Regni*

Regni Anglia. ejusdem Regni Regem Coronatum esse, Know ye that I am Crowned King of England, by the Common Council of the Barons of the said Kingdom. But least any should wonder, why Robert was all this while Excluded, while his two younger Brothers were preferred before him, and exalted to the Throne; it may not be amiss to take notice of the reason of it, as it is assigned by *Knigh-ton*, namely because the said Robert, *semper contrarius. & adeo innaturalis extiterat Baronibus Regni Anglia* had been always harsh, unnatural, and averse to the Barons of England. 'Twere an easie matter to go through all the succeeding Kings, to the very entrance of the Scots Race, and to shew how the People of *England* have in all Ages exercised a Right and Power in the Disposal of the Crown; but this is enough for an Essay, and may serve without an enumeration of more Examples, to awaken the Peers and the Representatives of the Commons of *England*, to claim and exert that Power at this conjuncture, which from the first original of the Government has belonged inseparably unto them.

That which now remains to be Treated of, is what becomes honest men to desire, and what all men have reason at this time to expect, from the Wisdom and Justice of the approaching *Convention*, in relation to the bestowing, conveying, and settling of the Imperial Crown of this Realm. And that the Considerations which are to be here offered, with all Humility as well as Modesty, may both stand in the clearer light, and have the greater efficacy upon the Minds of those, for whom they are designed, I shall briefly premise these things. (1.) That in the circumstances wherein we are, through the Kings having withdrawn himself, and forsaken the Government, the Crown cannot be said to go by *Descent* and in the way of *Inheritance*; but the Disposal of it falls to the Body of the People.

People of *England* in their Representatives, by way of *Cess* and *Devolution*. There being no Death, Resignation, nor Demise, of the fore-going Regent, there can be no Heir, nor any Plea for the Descent of the Crown to a person under that notion. Though there may be all the Reason and Justice imaginable, for granting and conveying it to the person that in another case would have been so, yet there is neither Common nor Statute Law, in the vertue of which it can be now said to descend. Proximity in Blood may render a person fit to be taken notice of, by them who are to Dispose it, and Royal Qualities and Vertues may make one deserve and merit it to that degree, that it would be the highest injury to the Nation and to the People themselves, to bestow it elsewhere, but yet for all this, nothing doth Legally Entitle unto it, but the Will, Donation, and Gift of the People. (2.) That in the present case, nothing can determine, limit, or restrain those in whom the disposal of the Crown is become lodged, but their own Will, guided and regulated by the Measures of what is most conducive to the publick good. Many things may serve to indicate and direct, where it will be most for the safety and honour of the Kingdom to have it Settled, but it is merely the pleasure of the great Council, and of the Representative of the Nation, that can authoritatively fix it. Former Acts of Settlement do only declare the Channel in which the Succession was to run by the ordinary way of Descent; but they have no Legal Force here, by reason of the dam and stop that is in the Road and Path of Conveyance. Nor doth the Common Law, which in the want of Acts of Entail, defines the order of Succession, signifie any thing here, farther than to remind us of persons, who would have had a just and unquestionable Claim, but for the survivance of Him, after whom only they can by that Law pretend and plead. (3.) That

(3.) That seeing the *Two Houses* cannot sit in the nature of a formal Parliament, till after the Crown is conveyed and fixed, because of the defect of one of the Members of the Parliamentary Legislative Body; that therefore it seems very disputable, whether the one of the said Houses, can until then have a Negative upon the other. And by consequence, as it will become them in prudence not to interfere in their Resolves about the Conveyance of the Crown; so it will be no departure in the Lords from their own grandeur, to consider of what force and obligation to the whole Commons of *England*, the Declaration of their Representatives in that matter will be. And whether it be not more than probable, that they will own the Regal Authority to be in that person, and there to maintain and defend it, where themselves shall convey and settle it. Now these things being premised, I shall as one who loveth the welfare of my Countrey, next to the glory of God, to his interest in the world, and to the happiness of my own Soul, offer with the profoundest submission, what I Judge to be in this great Case now depending, most subservient to the Securing Religion here, and to the vindicating it elsewhere, and to the rendring this Nation Safe, Opulent, and Happy.

As to her Royal Highness the *Princess of Orange*, they must be Enemies to the Kingdom, who would have any thing withheld from, or denyed unto her, that the approaching *Convention*, can in consistency with their own Wisdom, and with the Safety of the Nation, grant and bestow. For how great soever she is by her Quality, she is far greater by her Merit. Had she been of a Rank never to have stood in a nearness to a Crown; yet all who have the honour to know her, would have confessed that she deserved one. But alas! though there may be a Partner in the Royal Stile, there can be none in the Regal Power. And as she her self will undoubtedly acknowledge the Prince

her Husband to be the only person fit at this season for the latter ; so she will account it to proceed from no want of deference to her Person and Virtues , if no more be conferred upon her but the Royal Title. For seeing the Sovereignty can be but in One, though the Stile be communicable to more, Reason of State obligeth to lodge it where it may be most for the publick good. The disposal of the Crown being fallen to the People by a *Cess* and Devolution ; the Succession unto it is not to be Governed by proximity of Blood , but by weighing what is most expedient for the benefit of the Community. To bestow the Sovereign Power unto more than One person at a time, were to embarrass the Execution of it, and to make it impracticable through the differences which may arise if Two should become equally vested in it. From thence it was , that upon the Constituting and Creating *Phillip* King in conjunction with *Mary* , the Daughter of *Henry* the Eighth, it was Ordained and Enacted, *That the Queen might and should solely; and as sole Queen , use , have, and enjoy the Crown and Sovereignty, of and over all these Realms, Dominions, and Subjects, with all the Prebeminencies, Prerogatives, Dignities, Authorities, Jurisdictions , Honours, thereunto belonging, &c. and that no Right or Claim of Sovereignty, should be given, come, or grow unto the said Phillip, over these Realms and Dominions.* But though the Sovereign Power be not communicable to more than One, and can be lodged no where, save in a single Person , yet the Royal stile may be imparted to more without the least inconvenience arising thereby to the Nation. And therefore when I say that her *Royal Highness* the *Princess* of *Orange* ought to have the Royal Stile conferred upon her, I do not thereby mean, that she should enjoy meerly the bare and naked Name of *Queen* , but that together with the Person to whom the Sovereignty shall be committed, she shall be named in all Laws, Gifts, Grants, and

Patents

Patents, &c. and that all these shall be Enacted, Instituted, set forth, and made in the Name of her Royal Highness as Queen, as well as in the Name of the Person in whom the Sovereignty shall be fixed and settled. Nor is this all that her Highness may in Justice expect, but it doth become the People in deference to her Merit, and in gratitude for the many Obligations which she hath heaped upon them, to settle the whole Sovereignty upon her in Reversion, in case she out-live the Person to whom that power is first Trusted and Committed. And as this will testify, that the Disposal of it otherwise for the present, ariseth not from Disrespect, but from Motives of Necessity; so we may be assured, that her Royal *Highnesses* love to her Country, is so prevalent in her, above all considerations regarding her self, that she would be loath in the mean time, and under the great and present exigencies, to intercept between the Nation and the Blessings and Safety likely to arise unto it, by the coming under the Governing care, and Sovereign Protection of his Highness the Prince her Husband. Nay she would account it an injury unto her, and not a favour, to have the Regal Power settled in her during the Life of the Prince, and to have his Highness to be precluded from it. And as through being vested in what I have named, she will enjoy all the honour and glory which accompany a Crown; so she will be only eased of the Thorny Cares, and the next to insupportable Toils, that under the present conjuncture of Affairs in the World, are likely to attend the swaying of the English Scepter. Yea her Vertues will give her an Empire, that no Parliament can bestow. And while her Husband is vindicating and defending the Kingdom, by an exercise of the Sovereign Power; she will more effectually reform it by her Manners, than can be done by a Thousand Laws. Her Meekness towards all, will even teach our highest Ecclesiasticks the duties of gentleness

and lenity; and her steadfastness in the Reformed Faith, together with an exemplary adorning of it, will prove the most Sovereign means of recovering back again the perverted from Popery, and the depraved from Prophaneness. And her being the best Woman, as well as the best Wife, that this or any Age can give us an Example of, doth sufficiently assure us, that she will neither Covet, nor be willing to Accept more, than what I have mentioned, seeing every thing beyond that, would both be a detracting from the Glory of her Husband, and to the damage and prejudice of the Community.

That which remains then to be done, is to declare the Prince of *Orange* King, and to settle upon him the Sovereignty and Regal Power; allowing in the mean time unto the *Princess*, the priviledge of being named with him in all Leases, Patents, and Grants. This we owe him in point of Gratitude; nor is his delivering the Nation to be otherwise requited, than by calling him to Rule and Govern it. His vindicating our Liberties and Laws, deserves his being trusted with the Execution of the one, and with the Defence of both. And by how much he forbears to challenge it, by so much is his Merit unto it the greater. What he avoids claiming out of Temperance, we ought to have the Generosity to give. Nor is there any one so likely to sway the Scepter with Moderation, when possessed of it; as he who declined to snatch it, when it lay within his reach. His unchangeable adherence to what he promised in his Declaration, as a Prince; shews with what Sacredness, he will observe his Oath as a King. Nor will he ever invade our Priviledges, who hath exposed himself to so many hazards for restoring of them. We owe it unto him also in point of *Justice*. At the same time, that it is a Gift and Benevolence, it is a debt due unto his Vertue. He hath all the Wisdom, Moderation and Equity requisite in a King, and all the Courage and Conduct needful in a Ge-

General. War and Peace are equally his Province ; and he stands imbu'd with all qualities, both for swaying the Scepter, and weilding the Sword. His very Passions plead for him , and in nothing can we be kinder to our selves, than in putting him into a condition of gratifying them. The Ambition that A&s him of being the Head of the Protestant Interest in *Eurape* , tendeth no less to our benefit and safety, than it doth to his honour and glory. And the Recentment he retains of Injuries done him by the *French King* , will lead him not only to avenge himself, but this Kingdom also upon that common Enemy. And to add one thing more, the Crown ought to be bestowed upon *Him* on the score of *Wisdom* and *Interest*. Nothing save the doing thus, will cure the Evils we have felt, and obviate those we fear , or state us in the possession of all the good we need and desire. For *first*, we shall hereby restore the Body of the people of *England* to their ancient Right, and reestablish the Government upon its Primitive and Original Foundation. The pretence of a *Divine* Right of Succession, which had almost destroyed us of late, and which after two or three removes, may again hazard our being Ruined, will by this means stand for ever branded and condemned. Nor will there be any cause of apprehending a storm hereafter towards the Kingdom from *Spain* or *Savoy* ; when once the Nation hath in its whole Political Body, exercised the power belonging unto it, of altering and ordering the Succession, as it is found convenient for its own safety. 2. We shall hereby shut and bolt the dore, against the return and re-entry of the abdicated and withdrawn King. Neither himself nor Parizans, will either hope or venture to break open a gate, where so vigilant , magnanimous, wise, and Martial a person stands Guardian, as his Highness the Prince of *Orange* is by all men acknowledged to be. 3. We shall hereby foreclose all Claim unto the Crown, arising by the plea and pretence of an immediate Successor and a next Heir, For by the exclusion of all Right to the Sovereignty in way of Descent, there is no room left for any to challenge a Title to the Government upon that bottom and foundation. And though it would be easie to demonstrate the *suppositiousness* of the pretended Prince of *Wales*, and to lay open the unnatural and horrid Imposture of obtruding him upon the Nation as a Legitimate Son ; yet we shall by the Method proposed , both deliver our selves from the necessity of that Inquiry, and prevent the infamy with which the King must be eternally covered upon that detection. 4. We shall by this one thing of bestowing the Sovereign Authority upon the Prince of *Orange* , more effectually secure our retrieved Liberties

erties and Priviledges, than by all the Laws with which we Fence and Hedge them. He that scornfully rejected the offer of Sovereignty over *Holland*, when made unto him by the French King, as the price of Betraying and Enslaving his Country; can never become guilty of invading the Rights and Priviledges of *England*, when trusted with their preservation and defence. Nor will he ever abuse that power to the Nations prejudice, which he receives and holds by its kindness and bounty. His using to say, that he cannot have so unworthy a Conception of God, nor so base thoughts of Mankind, as to believe that one person should ever be designed by the Supream and Almighty King, to trample upon a Society and rule over it by way of oppression; doth not only declare his knowledge of the Nature, End, and Principles of Government, but how it is repugnant to his Nature, and inconsistent with his avowed Judgment, to wrong and injure a Society, either by fraud or violence.

5. We shall by this means become united among our selves, and great and prosperous at home. For as he can have no Interest either distinct or divided from that of the whole people; so he can fall under no temptation, either of quarrelling with the Community, or of wheedling, using and improving one party, to the inconvenience and prejudice of another. And though those of the National Communion, may be fully assured of their being maintained and protected in every thing which the Laws shall give them a Right and Title unto; yet no man needs to fear, that he whose glorious aim is to be the Head of the whole Protestant Interest, will ever become so attached to one party, as to become an Instrument and Tool, of harassing and persecuting all others.

6. We shall hereby become strong both in power and Allies abroad. For besides the addition of the Force and opulency that will accrue unto the Kingdom during his Life and Reign, by the Hereditary Principalities, Dominions, States, and Territories, that appertain unto him; all the Princes and States of *Europe*, with whom it is our Interest to be Confederated, will be ambitious of becoming Leagued and Allied with us. His greatness and power, whensoever he is King of *England*, will make them covet and desire it; and his inviolate Sincerity in every thing he promiseth, will make them trust unto and rely upon it. He that in the station of *Statholder* of *Holland*, could make that figure in the world, as he hath done, and be able to bring so many Princes of different Religions and Interests, into an Union against the common Enemy of *Europe*; what will he not be in a capacity to effect,

effect, if he were once vested with the Royal and Sovereign Power of *Great Britain*, and of the Dominions annexed and belonging thereunto: And as he will be an infallible mean, both of extinguishing all Enmity between us and these Provinces that emulate and rival us in Trade, and of bringing us and them into a happy and indissoluble Confederacy, so we may easily foresee the Advantages that will unavoidably attend upon a Conjunction of their and our *Marine* strength. 7ly, We shall hereby become formidable to our foreign Enemies: *France* will no longer be our dread, but our scorn and contempt; and we shall there erect the Trophies of our Liberty, as well as of our Victory; whence the Advice, as well as Pattern came of Enslaving us. With this *Prince* at the head of our Government and Armies, in the quality of King of *England*, we shall not only break the Chains with which that false and tyrannous *Monarch* would fetter *Europe*, but avenge both our own quarrels, and those of all *Christianity*, upon that haughty and usurping Prince, and reduce him within the limits from whence our late Kings help'd to raise him, contrary to all the Rules of Policy, as well as of Justice. 8ly, We shall by this means revive the hopes, and lay a foundation for the Redemption and Restauration of persecuted and exiled *Protestants*: As 'twas in order to the Preservation of the *Reformed Religion* in *Britain*, that he undertook this late Expedition, wherein God hath honoured him with so great success, so there are no dangers which he will not cheerfully submit unto, and undergo, for the vindicating *Religion* into Freedom elsewhere, and for the settling *Protestants* in the quiet possession of those religious and civil Liberties of which they have been perjuriously and barbarously dispossessed. The eyes of the poor exiled *French*, are upon this approaching *Convention*, and stand prepared to date their Deliverance and Redemption from the moment, in which that Assembly shall transfer and devolve the Sovereign and Royal Power of *England* upon his Highness the *Prince of Orange*; who as he hath been already their chief Patron, Benefactor, Refuge and Sanctuary, so they look upon him as the only *Person* under God, destined by Heaven to be their Saviour, and from whose Compassion, Courage, and Zeal they may expect the Vindication of their Wrongs, and their Restauration to the free Exercise of their Religion, without let or molestation, under their own Figg-trees and Vines.

The only Objection that can be advanced against what hath been here humbly proposed and offered, is, That the settling of the Crown, and of the Sovereign Power upon the *Prince of Orange*, would be to
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the prejudice of the *Princess Ann*, in case her *Royal Highness the Princess Mary* should die before her Husband. To which I briefly answer these six things: (1.) That where there is no Claim by Descent, as in our present Case, there can be no Injury done to any: For there can be no Wrong in with-holding, what a person hath no Right to challenge. (2.) 'Tis too probable, and that to our great Grief, that his Highness the *Prince* will be the shortest lived of the three: His indefatigable Cares, as well as the Weakness of his natural Constitution, give us too just and doleful fears of it. Now should that come to pass, which I pray God to prevent, the *Princess Ann* will receive no Injury, seeing all her pretence is posterior to that of the *Princess Mary*. (3.) 'Tis not impossible, but that the *Prince* and *Princess of Orange* may have Children; and then all will confess, that the *Princess Ann* can receive no wrong, should she and *Prince of Orange* out-live the *Princess Mary*; seeing if the Crown were to go in the direct order, and in the way of lineal Descent, it devolveth upon the Children of the *Princess Mary*, after her death, and not upon the *Princess Ann*. (4.) There is no great likelihood, that the *Princess Ann* should out-live her *Royal Highness the Princess of Orange*; and then by settling the Crown, as hath been humbly proposed, no damage will actually accrue unto her. (5.) There is a Benefit, and not a Prejudice, arising to the *Princess Ann* by the Method that hath been here offered and chalk'd out: for hereby all Claim of the present pretended *Prince of Wales*, is debarred and shut out, which I think does more in point of Benefit arising to the *Princess Ann*, than countervail all the Damage she is capable of receiving, by the putting the *Prince of Orange* first in the Act of Settlement and Entail. (6.) There is nothing here desired or advised, in favour and behalf of the *Prince of Orange*, but what we should be willing to have granted to *Prince George* in his turn. Nor do I doubt, but that the *Princess Ann* is so good a Woman, and so excellent a Wife, that she will be desirous to purchase so great an Honour, and so real a Benefit to the *Prince* her Husband, at the cost of a small, and little more than imaginary Damage to herself.

F I N I S.

